

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

ETHELEN WILLIAMS
Plaintiff,

v.

CARNIVAL CORPORATION
D/B/A CARNIVAL CRUISE LINE
Defendant.

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CAUSE NO. 3:21-cv-00036

DEFENDANT'S NOTICE OF REMOVAL

Defendant Carnival Corporation ("Carnival"), pursuant to 28 U.S.C. §§ 1332, 1333 and 1441, and pleading and reserving its rights pursuant to Rules 12(b)(1) through 12(b)(7), gives notice of removal of this case from the 10th Judicial District Court, Galveston County, Texas, to the United States District Court for the Southern District of Texas, Galveston Division.

**I.
INTRODUCTION**

Plaintiff Ethelen Williams filed this action against Carnival for alleged personal injuries in the 10th Judicial District Court, Galveston County, Texas, on January 19, 2021, and the case was assigned cause number 21-CV-0084.

Plaintiff's Original Complaint alleges that Ethelen Williams sustained an injury on or about June 15, 2019, aboard the *Carnival Vista*, when the closet door in her cabin fell on her resulting in an injury to her head and back. Plaintiff claims that venue is proper in Galveston County because Carnival does a substantial amount of business in the county, and a substantial portion of events occurred in Galveston County.

This Court occupies the district and division in which Plaintiff's Original Complaint was filed. 28 U.S.C. § 1446(a).

Plaintiff served Carnival by mail with Plaintiff's Original Complaint on January 29, 2021. This Notice is timely filed within thirty days of service. 28 U.S.C. § 1446(b).

II. BASIS FOR REMOVAL

Removal is proper because there is complete diversity between the parties. 28 U.S.C. § 1332(a). Plaintiff is a citizen of Texas. Defendant is a citizen of Florida. Additionally, the amount in controversy exceeds \$75,000, excluding interest and costs. 28 U.S.C. § 1332(a); *Lockett v. Delta Airlines*, 171 F.3d 295, 298 (5th Cir. 1999). Plaintiff alleges "severe and permanent injuries," as well as a loss past wages and future earning capacity. Pl.'s Orig. Compl. at ¶¶ 8, 9.

Removal is also proper because Plaintiff's suit involves the original admiralty jurisdiction of this Court. Plaintiff has alleged personal injuries occurring on the navigable waters of the United States. The amended removal statute does not preclude removal of maritime claims. 28 U.S.C. §§ 1333, 1441. *See Ryan v. Hercules Offshore, Inc.*, 945 F. Supp. 2d 772, 779 (S.D. Tex. 2013) (Miller, J.) (denying remand "[b]ecause all of Plaintiffs' claims are admiralty claims over which a federal district court has original jurisdiction and the revised removal statute does not limit the removal of these claims").

Plaintiff's claims also clearly fall within the admiralty and maritime jurisdiction of this Court as this case involves passage under a cruise ticket contract, a maritime contract governed exclusively by general maritime law. *See Wilkinson v. Carnival Cruise Lines*, 920 F. 2d 1560, 1564 n.10 (11th Cir. 1991); *Keefe v. Bahamas Cruise Lines, Inc.*, 867 F. 2d 1318, 1320-21 (11th Cir. 1989).

**III.
JURY DEMAND**

Plaintiff has not demanded a jury in the state district court action.

**IV.
NOTICE TO STATE COURT AND ADVERSE PARTY**

As a removing party, Carnival will give prompt written notice of this Notice of Removal as required by 28 U.S.C § 1446(d). Carnival will also file a copy of this Notice of Removal with the clerk of the court of the state district court action.

**V.
DOCUMENTS FILED WITH THIS NOTICE**

Carnival files the following documents with the court:

- Exhibit A An index of matters being filed with this notice (pursuant to Local Rule 81.5);
- Exhibit B Plaintiff's Original Complaint in the state court case (pursuant to Local Rule 81.2);
- Exhibit C The docket sheet in the state court case (pursuant to Local Rule 81.4);
- Exhibit D A list of all counsel of record, including addresses, telephone numbers, and parties represented in the state court case (pursuant to Local Rule 81.6); and
- Exhibit E A copy of all executed process in the case (pursuant to Local Rule 81.1); and
- Exhibit F A copy of the Notice of Removal to Federal Court to be filed with the state court.

There were no orders filed in the state court case.

**VI.
CONCLUSION**

Defendant Carnival Corporation removes this case from the 10th Judicial District Court, Galveston County, Texas, to this court.

Respectfully submitted,

Holman Fenwick Willan USA LLP

/s/ Jeanie Tate Goodwin

Jeanie Tate Goodwin (attorney-in-charge)

Texas Bar No. 24046949

SDTX No. 592456

jeanie.goodwin@hfw.com

5151 San Felipe, Suite 400

Houston, TX 77056

Phone: (713) 917-0888

Facsimile: (713) 953-9470

**ATTORNEY FOR DEFENDANT CARNIVAL
CORPORATION D/B/A CARNIVAL CRUISE LINE**

OF COUNSEL:

Holman Fenwick Willan USA

James T. Brown

Texas Bar No. 03138150

SDTX No. 11656

jim.brown@hfw.com

Svetlana S. Sumina

Texas Bar No. 24106480

SDTX No. 3621621

svetlana.sumina@hfw.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy was served ECF on this 22nd day of February 2021 via electronic filing.

Allena J. Wright

1415 North Loop West, Suite 305

Houston, Texas 77008

attorneyajwright@yahoo.com

/s/ Jeanie Tate Goodwin

Jeanie Tate Goodwin